

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

NU-LOOK HOME DESIGN, INC.,
7134 Columbia Gateway Drive, Suite 150,
Columbia, Maryland 21046,

Plaintiff,

- vs -

ADAM MULVANEY,
8396 Spruce Street,
Manassas, Virginia 20111,

Defendant.

Civil Action No.:
1:21-cv-02925-RDB

Adam Mulvaney's counterclaim

Adam Mulvaney, by his counsel and pursuant to Fed. R. Civ. P. 13(a), asserts this counterclaim against Nu-Look Home Design, Inc. and in support thereof, states the following:

Parties

1. Adam Mulvaney is an individual residing in Virginia.
2. Upon information and belief, Nu-Look is a Maryland corporation with its principal place of business in Maryland.

Jurisdiction and venue

3. This Court has subject matter jurisdiction over this counterclaim based on its original diversity jurisdiction established by Nu-Look's complaint against Mr. Mulvaney.
4. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b).

Factual allegations

5. Mr. Mulvaney most recently worked at Nu-Look, a roofing contractor, from February 2020 until March 2021.

6. Following his separation from Nu-Look, Mr. Mulvaney began working for another roofing company.

7. Nu-Look has maintained that Mr. Mulvaney is working in violation of a restrictive covenant that states “Employee shall not, directly or indirectly, *in substantially the same role or capacity* as Employee worked for the Company, work for or provide services with respect to any person or entity engaged in a business that provides home improvement services and/or products.”

8. Mr. Mulvaney has explained to Nu-Look that his employment is not “in substantially the same role or capacity” as his employment at Nu-Look.

9. Nu-Look nevertheless maintains that Mr. Mulvaney is working in violation of his restrictive covenant, and has demanded that he resign his current employment.

Count I: Declaratory judgment

10. Mr. Mulvaney re-alleges and incorporates by reference herein all the allegations contained in paragraphs 1 through 9.

11. Mr. Mulvaney maintains that he is not working in violation of the restrictive covenant, while Nu-Look maintains that Mr. Mulvaney is working in violation of the restrictive covenant.

12. An actual and immediate controversy thus exists between Mr. Mulvaney and Nu-Look with respect to whether Mr. Mulvaney's employment is in violation of the restrictive covenant.

13. Mr. Mulvaney is entitled to a determination pursuant to 28 U.S.C. § 2201.

WHEREFORE, Mr. Mulvaney respectfully requests that this Court enter an Order declaring that his employment is not in violation of the restrictive covenant.

Dated: November 15, 2021

Respectfully submitted,

/s/ Leslie Paul Machado
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Counsel for Adam Mulvaney

Certificate of service

I hereby certify that on this 15th day of November 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and that I separately sent a copy to the following counsel of record via electronic mail:

Brian D. Lyman
Michael G. Von Sas
Hillman, Brown and Darrow, PA
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Annapolis, Maryland 21401

/s/ Leslie Paul Machado
Leslie Paul Machado